

1 SETH ARONSON (S.B. #100153)  
saronson@omm.com  
2 MATTHEW W. CLOSE (S.B. #188570)  
mclose@omm.com  
3 O'MELVENY & MYERS LLP  
400 South Hope Street  
4 Los Angeles, California 90071-2899  
Telephone: (213) 430-6000  
5 Facsimile: (213) 430-6407

6 JONATHAN ROSENBERG (*pro hac vice*)  
jrosenberg@omm.com  
7 WILLIAM J. SUSHON (*pro hac vice*)  
wsushon@omm.com  
8 O'MELVENY & MYERS LLP  
Seven Times Square  
9 New York, New York 10036  
Telephone: (212) 326-2000  
10 Facsimile: (212) 326-2061

11 *Attorneys for Defendants*  
12 *Bank of America Corporation, NB Holdings Corporation,*  
13 *and Bank of America, N.A., as successor by July 1, 2011 de*  
*jure merger to Defendant BAC Home Loans Servicing, L.P.*

14 **UNITED STATES DISTRICT COURT**  
15 **CENTRAL DISTRICT OF CALIFORNIA**

16 IN RE COUNTRYWIDE  
17 FINANCIAL CORP. MORTGAGE-  
18 BACKED SECURITIES  
19 LITIGATION CASES

Case No. 11-ML-02265-MRP (MANx)  
**DEFENDANTS BANK OF AMERICA  
CORPORATION, NB HOLDINGS  
CORPORATION, AND BAC HOME  
LOANS SERVICING, L.P.'S REQUEST  
FOR JUDICIAL NOTICE IN SUPPORT  
OF THEIR MOTION TO DISMISS**

20 Date: January 26, 2012  
21 Time: 1:00 p.m.  
22 Courtroom: 12

Judge: Hon. Mariana R. Pfaelzer

23 THRIVENT FINANCIAL FOR  
LUTHERANS, *et al.*,

24 Plaintiffs,

25 v.

26 COUNTRYWIDE FINANCIAL  
27 CORPORATION, *et al.*,

28 Defendants

Case No. 11-CV-07154-MRP (MANx)

**REQUEST FOR JUDICIAL NOTICE**

In support of their Motion to Dismiss Thrivent's Complaint, Defendants Bank of America Corporation ("BAC"), NB Holdings Corporation, and Bank of America, N.A., as successor by July 1, 2011 *de jure* merger to BAC Home Loans Servicing, LP (named as BAC Home Loans Servicing, LP) (collectively, the "BAC Defendants"), respectfully request that the Court take judicial notice of the following documents under Federal Rule of Evidence 201:

1. Relevant portions of the Status Conference Transcript, *Putnam Bank v. Countrywide Financial Corporation, et al.*, CV 11-04698-MRP (MANx) (C.D. Cal. Oct. 17, 2011) (Declaration of Matthew W. Close in Support of Defendants' Request for Judicial Notice ("Close Decl.") Ex. A);

2. Relevant portions of the Federal Financial Institutions Examination Council's National Information Center Standard Organization Hierarchy Report as of January 9, 2012, for Bank of America Corporation (1073757) (Close Decl. Ex. B).

3. Relevant portions of the plaintiffs' May 9, 2011 Memorandum of Law in Opposition to Defendants' Motion to Dismiss in *Allstate Ins. Co. v. Countrywide Fin. Corp.*, No. 10 Civ. 9591 (AKH) (S.D.N.Y. May 9, 2011) (Close Decl. Ex. C).

**I. ARGUMENT**

The Court may take judicial notice of facts that are not subject to reasonable dispute in that they are "capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201(b). The documents identified below amply satisfy this standard.

**A. Court Documents (Documents 1 and 3)**

Documents 1 and 3 are a hearing transcript and a memorandum from other cases involving Countrywide Financial Corporation ("CFC") that are currently pending before this Court. Court filings and other matters of public record are properly subject to judicial notice. *See Reyn's Pasta Bella, LLC v. Visa USA, Inc.*,

1 442 F.3d 741, 746 n.6 (9th Cir. 2006) (recognizing that courts “may take judicial  
2 notice of court filings and other matters of public record” including memoranda  
3 filed in related litigation); *MGIC Indem. Corp. v. Weisman*, 803 F.2d 500, 504  
4 (9th Cir. 1986) (“On a motion to dismiss, we may take judicial notice of matters of  
5 public record outside the pleadings.”). Accordingly, the BAC Defendants  
6 respectfully request that the Court take judicial notice of these documents.

7 **B. Documents Filed with and Publicly Available on Government**  
8 **Websites (Document 2)**

9 Document 2 is the Standard Organization Hierarchy Report for BAC  
10 identifying the relationship between BAC and its respective subsidiaries. This  
11 report is publicly available and maintained by the National Information Center  
12 (“NIC”), a government-operated “central repository of data about banks and other  
13 institutions for which the Federal Reserve has a supervisory, regulatory, or research  
14 interest.” The National Information Center, Home Page, <http://www.ffiec.gov/nicpubweb/nicweb/nichome.aspx>. These reports are publicly available through the  
15 Federal Financial Institutions Examination Council’s website, <http://www.ffiec.gov/nicpubweb/nicweb/nichome.aspx>. Such documents and reports made publicly  
16 available by government entities, including the NIC, are properly subject to judicial  
17 notice. *See Daniels-Hall v. Nat’l Educ. Ass’n*, 629 F.3d 992, 998–99 (9th Cir. 2010)  
18 (“It is appropriate to take judicial notice of this information, as it was made publicly  
19 available by government entities . . . and neither party disputes the authenticity of  
20 the web sites or the accuracy of the information displayed therein.”); *Adelphia*  
21 *Recovery Trust v. Bank of America, N.A.*, 646 F. Supp. 2d 489, 495–96 (S.D.N.Y.  
22 2009) (taking judicial notice of a web-query identifying a company as a “finance  
23 company” rather than a “commercial bank” on the NIC website); *see also, e.g., Silva*  
24 *v. Wells Fargo Bank NA*, No. CV 11-3200 GAF (JCGx), 2011 WL 2437514, at \*3  
25 (C.D. Cal. June 16, 2011) (taking judicial notice of a print-out from the FDIC  
26 website listing a bank’s main office); *Jarvis v. JP Morgan Chase Bank, N.A.*, No.  
27  
28

CV-10-4184-GHK (FMOx), 2010 WL 2927276, at \*1 (C.D. Cal. July 23, 2010) (“Judicial notice may be taken of documents available on government websites.”); *Ibarra v. Loan City*, No. 09–CV–02228–IEG (POR), 2010 WL 415284, at \*3 (S.D. Cal. Jan. 27, 2010) (taking judicial notice of documents related to defendant’s status as an operating subsidiary of a federal savings association); *Southwest Georgia Fin. Corp. v. Colonial Am. Cas. & Sur. Co.*, No. 7:08-cv-55(HL), 2009 WL 1410272, at \*1 (M.D. Ga. May 19, 2009) (taking judicial notice of 17 pages of “Bank Find” queries printed from the FDIC’s website). Accordingly, the BAC Defendants respectfully request that the Court take judicial notice of this document.

## II. CONCLUSION

For the foregoing reasons, the BAC Defendants respectfully request that the Court take judicial notice of the documents attached to the accompanying Declaration of Matthew W. Close in ruling on their Motion to Dismiss the Complaint.

Dated: January 12, 2012

Respectfully submitted,

SETH ARONSON  
MATTHEW W. CLOSE  
JONATHAN ROSENBERG  
WILLIAM J. SUSHON  
O’MELVENY & MYERS LLP

By: /s/ Matthew W. Close  
Matthew W. Close

*Attorneys for Defendants  
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